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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,881	03/19/2004	Dragan Veskovic	P/10-679	8188
7590	01/20/2006		EXAMINER	
OSTROLENK, FABER, GERB & SOFFEN, LLP			LEE, GUIYOUNG	
1180 Avenue of the Americas			ART UNIT	PAPER NUMBER
New York, NY 10036-8403			2875	

DATE MAILED: 01/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/804,881	VESKOVIC, DRAGAN	
	Examiner	Art Unit	
	Guilyoung Lee	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 November 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 57-84 and 94-97 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 57-84 and 94-96 is/are allowed.
- 6) Claim(s) 97 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 November 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Prelim./Amdt.

1. Receipt is acknowledged of the amendment filed 11/09/2005.
2. Claims 57-84 and 94-97 are pending, and claims 1-56 and 85-93 are withdrawn by applicant.

Response to Arguments

3. Applicant's arguments filed 11/09/2005 with regard to claim 97 have been fully considered but they are not persuasive. In response to applicant's argument that Schnebly does not teach the intended use of the window treatment, which is reducing sun glare, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 97 is rejected under 35 U.S.C. 102(e) as being anticipated by Schnebly et al. (US 6,388,404 B1).

6. Re claim 97: Schnebly discloses an illumination maintenance system having a first sensor for sensing an illumination level in a portion of the space (212 in Fig. 35 and claims 12-14 in col. 19), one electrically controllable window treatment (13) for one opening for allowing daylight into the space, the window treatment selectively altering the amount of daylight entering the space through the opening, a plurality of electric lamps (12) providing artificial light to supplement the daylight illumination of the space, the electric lamps being dimmable (26); a control system (29) controlling the window treatment and the plurality of electric lamps to maintain the desired illumination profile in the space; the control system controlling the plurality of electric lamps so that the dimming level of each lamp is adjusted to achieve the desired illumination profile and compensate for the daylight illumination in the space throughout at least the portion of the day (claims 12-14 in col. 19).

Allowable Subject Matter

7. Claims 57-84 and 94-96 are allowed.

8. The following is an examiner's statement of reasons for allowance: With regard to claims 57 and 94, the prior art of record fails to disclose an illumination maintenance system and a method for maintaining a desired illumination profile, configured as claimed, wherein a plurality of electric lamps being arranged in one or more zones in the space, the zones defining predefined volumes of the space, each zone having at least one lamp, and a control system controlling the at least one window treatment and the plurality of electric lamps to maintain the desired illumination profile in the spaces the at least one lamp of each zone being controllable to a dimming level to achieve a desired illumination level in the respective zone according to the

desired illumination profile, wherein the dimming level of each lamp is selected by the control system from one of a plurality of lighting presets, each preset comprising a predetermined combination of dimming levels of the at least one lamp in each zone and wherein the control system adjusts the dimming level of the electric lamps toward a lighting preset that will result in an appropriate supplementing of the daylight illumination to achieve the desired illumination profile in the space. With regard to claims 95, the prior art of record fails to disclose an illumination maintenance system, configured as claimed, wherein the control of the electric lamps is implemented based on an open loop control algorithm and the control of the at least one window treatment is implemented based on a closed loop control algorithm; and wherein the control of both the electric lamps and the at least one window treatment is based on a signal representing a single input variable derived from the at least one interior sensor. Claims 58-84 and claims 96 depend from claims 57 and 95. Therefore, claims 57-84 and claims 94-96 are patentable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

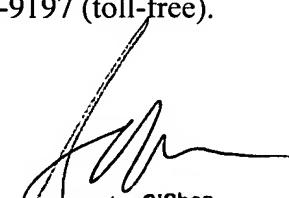
MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guiyoung Lee whose telephone number is 571-272-2374. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LGY



Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800



Replacement Sheet

